

**HARRY FREITAS, DIRECTOR**

**MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

**NAME OF PROJECT:** Klein Preschool

**PROJECT FILE NUMBER:** CP14-027

**PROJECT DESCRIPTION:** Conditional Use Permit to allow conversion of a 2,384 square foot single-family detached residence to a 5,039 square foot day care center for up to 68 children on an approximately 0.47 gross acre site.

**PROJECT LOCATION & ASSESSORS PARCEL NO.:** The project site is located at the east side of Klein Road, approximately 200 feet south of Murillo Avenue in San José, California. The address associated with the project site is 2510 Klein Road. The Assessor's Parcel Number (APN) is 652-34-021 on the Santa Clara County Assessor's Parcel Map.

**COUNCIL DISTRICT:** 8

**APPLICANT CONTACT INFORMATION:** Kamachi Design + Architecture, Jan Kamachi, 104 Birch Lane, San Jose, CA 95127

**FINDING:**

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

## **MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL**

- I. AESTHETICS.** The project will not have a significant impact on aesthetics or visual resources, therefore no mitigation is required.
- II. AGRICULTURE AND FOREST RESOURCES.** The project will not have a significant impact on agriculture or forest resources, therefore no mitigation is required.
- III. AIR QUALITY.** The project will not have a significant impact on air quality, therefore no mitigation is required.
- IV. BIOLOGICAL RESOURCES.** The project will not have a significant impact on biological resources, therefore no mitigation is required.
- V. CULTURAL RESOURCES.** The project will not have a significant impact on cultural resources, therefore no mitigation is required.
- VI. GEOLOGY AND SOILS.** The project will not have a significant impact due to geology and soils, therefore no mitigation is required.
- VII. GREENHOUSE GAS EMISSIONS.** The project will not have a significant impact due to greenhouse gas emissions, therefore no mitigation is required.
- VIII. HAZARDS AND HAZARDOUS MATERIALS.** The project will not have a significant hazards or hazardous materials impact, therefore no mitigation is required.
- IX. HYDROLOGY AND WATER QUALITY.** The project will not have a significant hydrology and water quality impact, therefore no mitigation is required.
- X. LAND USE AND PLANNING.** The project will not have a significant land use impact, therefore no mitigation is required.
- XI. MINERAL RESOURCES.** The project will not have a significant impact on mineral resources, therefore no mitigation is required.
- XII. NOISE.** Play area noise would exceed the limits of the City of San Jose Noise Element and Zoning Ordinance standards and will cause a significant increase in the existing noise environment at residences immediately adjacent to the site to the east, south and north.

### **MM NOI-1**

To reduce excess noise in the residential rear and side yards, the following noise control barriers are required:

- Construct a 6 foot high acoustically-effective barrier along the easterly property line on top of the existing retaining wall in the location of the existing property line “good neighbor” fence. Consult with a fencing contractor to determine if the existing fence support structure can be modified to be acoustically-effective, as described below.

- Construct 8 foot high acoustically-effective barriers at the south and north property lines contiguous with the turf play areas. The barrier height is in reference to the nearest play area ground elevation.
- Construct a 6 foot high acoustically-effective barrier along the south property line extending from the 8 foot high barrier at the play area to the landscaped area at the west side of parking space #3. The barrier height is in reference to the nearest parking pad elevation.

The acoustically-effective barrier must be made air-tight, i.e., without cracks, gaps or other openings and must provide for long-term durability. The barrier can be constructed of wood, stucco, masonry, earth berm or a combination thereof and must have a minimum surface weight of 2.5 pounds per square foot. If wood fencing is used, homogeneous sheet materials are preferable to conventional wood fencing as the latter has a tendency to warp and form openings with age. However, high-quality, air-tight, tongue-and-groove, shiplap, or board and batten construction can be used, provided the minimum surface weight is met. The noise control barriers must be constructed so that all joints, including connections with posts or pilasters are sealed air-tight and no openings are permitted between the upper barrier components and the ground.

**XIII. POPULATION AND HOUSING.** The project will not have a significant population and housing impact, therefore no mitigation is required.

**XIV. PUBLIC SERVICES.** The project will not have a significant impact on public services, therefore no mitigation is required.

**XV. RECREATION.** The project will not have a significant impact on recreation, therefore no mitigation is required.

**XVI. TRANSPORTATION / TRAFFIC.** The project will not have a significant traffic impact, therefore no mitigation is required.

**XVII. UTILITIES AND SERVICE SYSTEMS.** The project will not have a significant impact on utilities and service systems, therefore no mitigation is required.

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.** The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no mitigation is required.

## **PUBLIC REVIEW PERIOD**

Before 5:00 p.m. on **April 6, 2015** any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
2. Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any

comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Harry Freitas, Director  
Planning, Building and Code Enforcement

A handwritten signature in black ink, appearing to read "Idun Danksen", written over a horizontal line.

Deputy

Circulation period, from March 16, 2015 to April 6, 2015.